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	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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	In the Matter of the Accusation Against:	Case No. 2012-753	
. 11	RHONDA CAROL CALAWAY, AKA		
12 .	RHONDA CAROL SHOEMAKER	A G G Y G A TO Y	
13	CALAWAY 209 Edwards Street	ACCUSATION	
.	White Hall, AR 71602		
14	Registered Nurse License No. 661029		
15			
16	Respondent.		
17	Complainant alleges:		
18	PAR	TIES	
19	1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her		
20	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Departmen		
21	of Consumer Affairs.		
22	2. On or about July 19, 2005, the Board	d of Registered Nursing issued Registered Nurse	
23	License Number 661029 to Rhonda Carol Calaway, aka Rhonda Carol Shoemaker Calaway		
24	("Respondent"). The Registered Nurse License expired on July 31, 2009, and has not been		
25	renewed.		
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## **JURISDICTION**

- 3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

## STATUTORY PROVISIONS

- 5. Section 118, subdivision (b) of the Code provides, in pertinent part:
  - "(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground."
- 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.
  - 7. Section 2761 of the Code provides, in pertinent part:
    - "The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:
    - (a) Unprofessional conduct, which includes, but is not limited to, the following:
    - (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action ..."

8. Section 2811, subdivision (b) of the Code provides:

"Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing."

# **REGULATORY PROVISIONS**

9. California Code of Regulations, title 16, section, 1419.3 provides:

"In the event a licensee does not renew his/her license as provided in Section 2811 of the code, the license expires. A licensee renewing pursuant to this section shall furnish a full set of fingerprints as required by and set out in section 1419(b) as a condition of renewal.

- (a) A licensee may renew a license that has not been expired for more than eight years by paying the renewal and penalty fees as specified in Section 1417 and providing evidence of 30 hours of continuing education taken within the prior two-year period.
- (b) A licensee may renew a license that has been expired for more than eight years by paying the renewal and penalty fees specified in Section 1417 and providing evidence that he or she holds a current valid active and clear registered nurse license in another state, a United States territory, or Canada, or by passing the Board's current examination for licensure."

## COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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## FIRST CAUSE FOR DISCIPLINE

# (Disciplinary Action by the Arkansas State Board of Nursing)

- 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined by the Arkansas State Board of Nursing ("Arkansas Board").
- 12. On or about January 14, 2009, pursuant to the Consent Agreement issued by the Arkansas Board, in the disciplinary action entitled, *In the Matter of: Rhonda Carol Shoemaker Calaway, RN License No. R51511*, the Arkansas Board placed Respondent's registered nursing license on probation for a period of one year. Among the terms and conditions of probation imposed on Respondent's license were that Respondent submit quarterly probation reports, submit to random drug screens, abstain from the use of controlled substances and alcohol, not work outside the State of Arkansas without written permission of the Arkansas Board, and pay a fine of \$2,500.00. The basis for the Order is as follows:
- a. On or about September 12, 2007, Richard Johns, M.D., notified the Arkansas Board that Respondent had written unauthorized prescriptions of hyrdocodone, Ambien, and Clonazepam for her own use.

## SECOND CAUSE FOR DISCIPLINE

## (Unprofessional Conduct)

13. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraph 12, subparagraph (a), inclusive, above, and herein incorporated by reference.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 661029, issued to Rhonda Carol Calaway, aka Rhonda Carol Shoemaker Calaway;